

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Marie A. Daney,)	
Plaintiff,)	
v.)	Civ. No. 06-660-SLR
EXXON MOBIL MEDICARE)	
SUPPLEMENT PLAN, MANAGER-)	
GLOBAL BENEFITS DESIGN, and)	
EXXON MOBIL CORPORATION,)	
Defendants.)	

ORDER

At Wilmington this 19th day of June 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The Parties will exchange by June 29, 2007 the information required by Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: the administrative record, the applicable Summary Plan Description and policy, the basis/reasons for denial of benefits and the qualification for benefits sought.

(b) All discovery shall be commenced in time to be completed by December 18, 2007,

(c) Maximum of 25 interrogatories by each party to any other party.

(d) Maximum of 25 requests for admission by each party to any other party.

(e) Maximum of 5 depositions by plaintiff and 5 by defendant unless otherwise agreed to by the parties or approved by the Court.

(f) Each deposition is limited to a maximum of seven (7) hours unless extended by agreement of the parties.

(g) Reports from retained experts under Rule 26 (a) (2) on issues for which any party has the burden of proof due by November 1, 2007. Rebuttal expert reports due by December 1, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to ~~two~~ **(2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class

Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before August 31, 2007.

4. Settlement Conference. Pursuant to 28 U.S. C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before January 10, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than ~~ten~~ **(10)** days from the above date without leave of the court.

6. Application by Motion. Any application to the court shall be written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of

papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before

_____. All responses to said motions shall be filed on or before

_____.

8. **Pretrial Conference.** A pretrial conference will be held on

SLR
6/19/07 _____ at _____ m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR. 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a three (3)-day bench trial commencing on

_____ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.


Sue L. Robinson, Chief United States District Judge